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2008 MAY 27 PM 1:24

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Hector Martin MARQUEZ-Romero,

Defendant.

Magistrate Case No.: **'08 MJ 1664**

COMPLAINT FOR VIOLATION OF

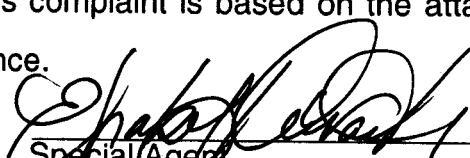
21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

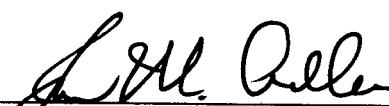
That on or about May 26, 2008, within the Southern District of California, defendant Hector Martin MARQUEZ-Romero, did knowingly and intentionally import approximately 69.45 kilograms (152.79 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.



Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th,
DAY OF MAY 2008.



HON. Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

1 **UNITED STATES OF AMERICA**

2 **v.**

3 **MARQUEZ-Romero, Hector Martin**

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5 **STATEMENT OF FACTS**

6 This complaint is based on the reports, documents and notes
7 furnished to U.S. Immigration and Customs Enforcement Special
8 Agent Elizabeth Cervantes.

9 On May 26, 2008, at approximately 1230 hours, Hector Martin
10 MARQUEZ-Romero, a citizen of Mexico, applied for entry into the
11 United States from the Republic of Mexico at the San Ysidro Port
12 of Entry. MARQUEZ was the driver and sole occupant of a 1997
13 Mercury Mountaineer bearing Mexico license plate AHX5955.

14 During a pre-primary operation, Customs and Border
15 Protection Officer (CBPO) Thomas Trassare approached MARQUEZ and
16 his vehicle at vehicle primary lane seven and asked MARQUEZ what
17 he was bringing from Mexico, which he twice stated he had nothing
18 to declare. MARQUEZ also stated he was on his way to San Diego
19 to have a television installed in his vehicle, which he had
20 purchased approximately one week ago. As MARQUEZ presented this
21 entry document, DSP-150 (Border Crossing Card), vehicle
22 registration and the vehicle keys, CBPO Trassare noticed that
23 MARQUEZ's hands were shaking.

24 CBPO Trassare proceeded to tap the gas tank noticing that it
25 sounded abnormally solid. CBPO Trassare then requested that CBP
26 Canine Enforcement Officer (CEO) Tommy Ramirez utilized his
27 Narcotic Detector Dog (NDD) Ranger to screen the vehicle. The
28 NDD alerted and responded by scratching the spare tire. MARQUEZ

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1 was removed from his vehicle, handcuffed and escorted to the
2 Vehicle Secondary Security Office for continuation of inspection.

3 Assigned to the Secondary Inspection Lot, CBPO Nelson Perez
4 was informed of the canine alert to the vehicle and proceeded to
5 remove the spare tire of the vehicle. CBPO Perez cut into the
6 tire discovering what appeared to be packages wrapped in duct
7 tape. A sample was removed from one of the packages producing a
8 green leafy substance, which field tested positive for marijuana.
9 CBPO Perez returned to the Vehicle Secondary Security Office and
10 informed MARQUEZ of his arrest for importation of narcotics.

11 CBPO Perez's continued inspection resulted in the removal of
12 the four vehicle tires and gas tank, which contained a combined
13 total of forty-two packages with a combined weight of 69.45
14 kilograms (152.79) pounds of marijuana. The packages were
15 wrapped in packaging tape, cellophane, vacuum sealed bags and
16 aluminum foil.

17 MARQUEZ was advised of his Miranda rights in the Spanish
18 language, which he acknowledged and waived. During the
19 interview, MARQUEZ admitted to knowing there was marijuana in the
20 vehicle's tires and expected to receive \$1,000.00 U.S. dollars
21 for this smuggling venture. MARQUEZ also admitted to knowing it
22 was illegal to import marijuana into the United States.

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